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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ROBERT EARLE JOHNSON,

11 Plaintiff,

12 v.

13 RON VAN BOENING, *et al*,

14 Defendants.
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CASE NO. C08-5428FDB-KLS

ORDER ADOPTING REPORT
AND RECOMMENDATION

17 The Court, having reviewed defendants' motion to dismiss (Dkt. #29), plaintiff's amended
18 complaint (Dkt. #40), and order to show cause (Dkt. #38) and the Report and Recommendation of United
19 States Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and
20 the remaining record, does hereby find and ORDER:

- 21 (1) The Court adopts the Report and Recommendation;
22 (2) Defendants' motion is DENIED; and
23 (3) The Clerk is directed to send copies of this Order to plaintiff, defendants' counsel and
24 Magistrate Judge Karen L. Strombom.

25 DATED this 23th day of March 2009.

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28 FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE